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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,692	12/10/2001	Burton H. Poppenga	10012893-1	3075

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EXAMINER	
YIGDALL, MICHAEL J	

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,692	POPPENGA ET AL.	
	Examiner	Art Unit	
	Michael J. Yigdall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/4/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are pending and have been examined. The priority date considered for the application is December 10, 2001.

Specification

2. The abstract of the disclosure is objected to because the abstract must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,668,376 to Wang et al. (hereinafter "Wang").

With respect to claim 1, Wang discloses a system for facilitating selection, installation, and configuration of drivers for devices connected to a network (see the abstract) comprising:

(a) first means for automatically accessing information about a device for which a driver is to be installed and providing a signal in response thereto, said device being in communication with a computer (see column 4, lines 11-18, which shows automatically querying a device attached to a computer and providing identification data in response); and

(b) second means for selecting a driver for said device and installing and automatically configuring said driver on said computer based on said signal (see column 5, lines 3-6 and 11-15, which shows automatically selecting and installing a driver for the device based on the identification data).

With respect to claim 2, Wang further discloses the limitation wherein said information includes device type and operational capabilities (see column 4, lines 35-46, which shows that the information includes the device class or type and the command set or operational capabilities of the device).

With respect to claim 3, Wang further discloses the limitation wherein said network is part of a managed environment (see column 3, lines 31-35, which shows that the operations are performed automatically so as to obviate user action) and first means includes a database that maintains said information organized according to an asset number or other identification number or name associated with said device (see column 3, lines 63-66, which shows a database for maintaining the information organized according to identification data).

With respect to claim 4, Wang further discloses the limitation wherein said information includes first and second portions, said first portion obtained and entered in said database upon installation of said device (see column 3, line 66 to column 4, line 4, which shows that the information includes a first URL portion, previously provided and entered in the database by the manufacturer, and a second identification data portion).

With respect to claim 5, Wang further discloses the limitation wherein said second means includes a website portal accessible by via said computer for enabling downloading of said driver (see column 3, lines 58-60, which shows a web site portal accessible by the computer for downloading the driver).

With respect to claim 6, Wang further discloses the limitation wherein said first means includes a user-interface running on said website portal for enabling said user to enter said asset number or name into said website portal to enable said website portal to automatically select or build an appropriate driver package based on said asset number (see column 5, lines 6-9, which shows a browser for accessing the user interface of the web site, and lines 17-22, which shows that the database into which the identification data is entered may be on the web site).

With respect to claim 7, Wang further discloses the limitation wherein said website portal includes database software for enabling said user to search for said device or corresponding device asset number or name in said database based on capabilities of said device and/or proximity of said device to said computer (see column 4, line 67 to column 5, line 3, which shows searching the database based on the identification data, and column 4, lines 35-46, which shows that the identification data includes the command set or operational capabilities of the device).

With respect to claim 9, Wang discloses a system for facilitating automatic device driver selection, download, installation, and configuration for a selected device in a managed environment (see the abstract) comprising:

(a) first means for maintaining and organizing data and basic drivers for devices installed in said managed environment, said data sufficient to configure said basic drivers for each of said devices (see column 3, line 63 to column 4, line 4, which shows a database for maintaining data used to configure device drivers); and

(b) second means for automatically selecting, installing, and configuring an appropriate one of said basic drivers on a computer based on said selected device and via said data (see column 5, lines 3-6 and 11-15, which shows automatically selecting and installing a driver for the device based on the data).

With respect to claim 10, Wang further discloses the limitation wherein said first means includes a database server running a data repository database and a device driver database (see column 3, lines 58-60, which shows a server having device drivers, and column 5, lines 17-22, which shows that the data repository database may be on the server).

With respect to claim 11, Wang further discloses the limitation wherein said second means includes a managed device portal website for enabling access to said system via said customer computer (see column 3, lines 58-60, which shows a web site portal for device drivers that enables access from the computer).

With respect to claim 13, Wang discloses a method for facilitating selection, installation, and configuration of drivers for devices connected to a network (see the abstract) comprising the steps of:

(a) automatically accessing information about a device for which a driver is to be installed, said device in communication with a computer, and said information including device

type and operational capabilities and providing a signal in response thereto (see column 4, lines 11-18, which shows automatically querying a device attached to a computer and providing identification data in response, and lines 35-46, which shows that the information includes the device class or type and the command set or operational capabilities of the device); and

(b) selecting a driver for said device and installing and automatically configuring said driver on said computer based on said signal (see column 5, lines 3-6 and 11-15, which shows automatically selecting and installing a driver for the device based on the identification data).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, as applied to claim 7 above, in view of U.S. Pub. No. 2003/0065755 to Gunji (hereinafter "Gunji").

With respect to claim 8, although Wang discloses a browser running on said computer and accessing said website portal (see column 5, lines 6-9), Wang does not expressly disclose the limitation wherein said second portion of said information includes operating system and language information pertaining to said computer based on headers automatically supplied by a browser running on said computer and accessing said website portal.

However, Gunji discloses a system for automatically obtaining device drivers (see the abstract). Gunji discloses that a user typically selects an appropriate driver according to the operating system and language (see page 1, paragraph 4, lines 1-4). Gunji further discloses attribute information for selecting and downloading a driver that includes the platform or operating system (see page 5, paragraph 76, lines 5-14). The attribute information enables the user to obtain drivers from disparate sources (see paragraph 68, lines 3-12).

Furthermore, it is well known in the art that the headers defined by the HTTP standard provide operating system and language information, such as in the User-Agent and Accept-Language headers, respectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the information of Wang with operating system and language information, as taught by Gunji, and for the browser of Wang to supply such information, as is defined by the HTTP standard.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of U.S. Pub. No. 2003/0051012 to Chen (hereinafter "Chen").

With respect to claim 12, Wang discloses a method for facilitating device driver installation and configuration in a managed environment (see the abstract) comprising the steps of:

(a) assigning asset numbers to devices of said managed environment and organizing information needed to configure drivers for said devices by said asset numbers and providing organized information in response thereto (see column 3, line 63 to column 4, line 4, which

shows information organized by identification data assigned to the devices for configuring drivers, and column 4, lines 61-65, which shows that the identification data includes a model or asset number);

(b) determining one of said asset numbers corresponding to a device for which a driver is to be installed and configured on a computer in said managed environment (see column 4, lines 11-18, which shows querying a device to determine its identification data);

(c) entering said asset number into a managed device portal, said device portal having access to said organized information (see column 5, lines 17-22, which shows entering the identification data into a database on a web site portal).

Wang does not expressly disclose the limitation wherein the device portal is running driver building software.

However, Chen discloses a driver installation system (see the abstract), in which software on the server creates a driver package from a driver database based on a detection result (see page 2, paragraph 12, lines 19-22). The detection result is an identification of the type and number of drivers to download (see lines 13-17), and the driver package automatically installs the needed drivers (see lines 22-26). Chen discloses that the driver installation system reduces the size of the download and improves the download time (see paragraph 11, lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to supplement the system of Wang with the driver package building features taught by Chen, for the purpose of constructing driver packages that reduce the size of the download and improve the download time.

Wang in view of Chen further discloses the steps of:

(d) employing said driver building software to automatically construct a driver package via said asset number and said organized information (see Wang, column 5, lines 3-6 and 11-15, which shows automatically downloading a driver package for the device based on the identification data); and

(e) automatically installing and configuring a driver for said computer and via said driver package to enable use of said device by said computer (see Wang, column 5, lines 11-15, which shows automatically installing a driver for the device from the package).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. Pat. No. 5,692,111 to Marbry et al. discloses the automatic installation of printers in a distributed environment. U.S. Pub. No. 2003/0066066 to Nguyen et al. discloses the download and installation of software from a network printer. U.S. Pat. No. 6,694,354 to Elg discloses host computer access to peripheral device drivers. U.S. Pat. No. 6,728,787 to Leigh discloses a system and method for locating and installing device drivers for peripheral devices. U.S. Pat. No. 6,789,111 to Brockway et al. discloses the automatic detection and installation of client peripheral devices by a server.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2122

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SUPERVISORY PATENT EXAMINER